IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

R. ALEXANDER ACOSTA, Secretary of Labor, United States Department of Labor, Plaintiff, v. CACTUS FEEDERS, INC., LUBBOCK NATIONAL BANK, PAUL ENGLER, MICHAEL ENGLER, JACK RHOADES, JERRY MILLER, EUGENE LEMAN, BRADLEY HASTINGS, KEVIN HAZELWOOD, RONALD HARGIS, and CACTUS FEEDERS, INC. EMPLOYEE STOCK OWNERSHIP PLAN, Defendant.	)	Civil Action No. 2:16-cv-00049-J

JOINT STATUS REPORT CONCERNING DEFENDANTS' MOTION FOR PROTECTIVE ORDER AND DEFENDANTS' WITHDRAWAL OF MOTION FOR PROTECTIVE ORDER WITHOUT PREJUDICE

Plaintiff, R. Alexander Acosta, Secretary of Labor, United States Department of Labor, and Defendants Cactus Feeders, Inc., Lubbock National Bank, Paul Engler, Michael Engler, Jack Rhoades, Jerry Miller, Eugene Leman, Bradley Hastings, Kevin Hazelwood, Ronald Hargis, and Cactus Feeders, Inc. Employee Stock Ownership Plan (ESOP) submit the following joint status report concerning Defendants' Motion for Protective Order (Motion). As part of this status report, Defendants also withdraw their Motion without prejudice, as set forth below. The parties state the following:

1. Since Defendants filed their Motion, the Principal Financial Group, the BVA Group, and Wahlgren Consulting, LLC (Wahlgren) (collectively, the non-parties) produced

additional documents in response to the subpoenas Plaintiff served on them on February 24, 2017. Additionally, Defendant Lubbock National Bank (LNB) has provided documents it obtained from Wahlgren that were also responsive to Plaintiff's subpoena issued to Wahlgren.

2. After reviewing the additional document productions and based on the facts gathered to date during the litigation, Plaintiff is satisfied with the non-parties' productions to the February 2017 subpoenas. Plaintiff is also satisfied that any additional documents that may be needed from the non-parties in the future can be obtained through the discovery that Plaintiff has propounded to LNB. Should additional facts come to light during the remainder of the litigation that necessitate Plaintiff seeking additional discovery from the non-parties, Plaintiff is not waiving or abandoning his ability to seek such additional discovery through means other than enforcing the subpoenas that were issued to the third parties in February 2017.

3. Given that Plaintiff is not contemplating enforcement of the February 2017 non-party subpoenas, Defendants have determined that their Motion is no longer needed and are withdrawing it without prejudice to seeking relief from the Court should Plaintiff seek to enforce the subpoenas or seek additional discovery by further subpoenas or any other means. Defendants reserve all their rights to object to any further efforts by Plaintiff to seek additional discovery, including LNB's objections to Plaintiff's discovery requests. Defendants also reserve all their rights to seek relief from the Court relating to any additional discovery sought by Plaintiff.

Respectfully Submitted,

/s/ Ted Becker (with permission- TDD)
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Certificate of Service

I hereby certify that on the 14th day of September, 2017, a true and correct copy of the foregoing *Joint Status Report Concerning Defendants' Motion for Protective Order and Defendants' Withdrawal of Motion for Protective Order* was served upon the attorney of record of all parties or upon all parties to the above entitled and numbered cause through the ECF system to:

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